

## Establishment of Physician-Patient Relationship as Prerequisite to Prescribing Drugs

Approved by the Board at its November 5, 2012 meeting and Revised at its meeting on February 5, 2013

Service Area: Medical

Subject: Establishment of Physician-Patient Relationship as Prerequisite to Prescribing Drugs

In accordance with S.C. Code Ann. § 40-47-113 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Board of Medical Examiners has adopted the following statement as guidance for physicians in the practice of medicine under the South Carolina Medical Practice Act and the Principles of Medical Ethics as adopted by the Board.

### **Establishment of Physician-Patient Relationship as Prerequisite to Prescribing Drugs**

S.C. Code of Laws Section 40-47-113 (1976, as amended), provides:

(A) It is unprofessional conduct for a licensee initially to prescribe drugs to an individual without first establishing a proper physician-patient relationship. A proper relationship, at a minimum, requires that the licensee make an informed medical judgment based on the circumstances of the situation and on the licensee's training and experience and that the licensee: (1) personally perform and document an appropriate history and physical examination, make a diagnosis, and formulate a therapeutic plan; (2) discuss with the patient the diagnosis and the evidence for it, and the risks and benefits of various treatment options; and (3) ensure the availability of the licensee or coverage for the patient for appropriate follow-up care.

(B) Notwithstanding subsection (A), a licensee may prescribe for a patient whom the licensee has not personally examined under certain circumstances including, but not limited to, writing admission orders for a newly hospitalized patient, prescribing for a patient of another licensee for whom the prescriber is taking call, prescribing for a patient examined by a licensed advanced practice registered nurse, a physician assistant, or other physician extender authorized by law and supervised by the physician, or continuing medication on a short-term basis for a new patient prior to the patient's first appointment.

(C) Prescribing drugs to individuals the licensee has never personally examined based solely on answers to a set of questions is unprofessional.

With regard to the exceptions set forth in S.C. Code Ann. § 40-47-113 (B), the South Carolina Board of Medical Examiners has adopted the definition of “on-call” as the temporary assumption of responsibility for an established doctor-patient relationship. An “on-call” physician is a South Carolina licensed physician who is available to physically attend, if necessary, to urgent and follow up care needs of a patient for whom he has temporarily assumed responsibility with the acknowledgment of the patient’s primary provider of care.

A physician who prescribes drugs to an individual he has never personally examined and for whom he has not assumed responsibility with the acknowledgment of the patient’s primary provider of care has engaged in unprofessional conduct **unless** he is writing admission orders for a newly hospitalized patient, prescribing for a patient examined by a licensed advanced practice registered nurse, a physician assistant, or other physician extender authorized by law and supervised by the physician, or continuing medication on a short-term basis for a new patient prior to the patient's first appointment.

Specifically, a physician who prescribes drugs for an individual with whom he has only had telephonic and/or electronic communication and for whom he has not assumed responsibility with the acknowledgment of the patient’s primary provider of care has engaged in unprofessional conduct **unless** he is writing admission orders for a newly hospitalized patient, prescribing for a patient examined by a licensed advanced practice registered nurse, a physician assistant, or other physician extender authorized by law and supervised by the physician, or continuing medication on a short-term basis for a new patient prior to the patient’s first appointment.